

WHY READ THIS?



It Provides Useful Information About Your Family and Medical Leave Benefits

What is the Purpose of the Family Medical Leave Act (FMLA)?

The FMLA allows employees to balance their work and family life by taking reasonable unpaid leave for certain family and medical reasons. The FMLA seeks to accomplish these purposes in a manner that accommodates the legitimate interests of employers, and minimizes the potential for employment discrimination on the basis of gender, while promoting equal employment opportunity for men and women.

How Do I Know if I am Eligible?

To be eligible for FMLA leave you must:

1. have worked for Kewaunee County at least 12 months; and
2. have worked at least 1,250 hours during the 12 months prior to the start of the FMLA Leave (Federal) **or**
3. have worked at least 1,000 hours in the preceding 52 weeks and for at least 52 consecutive weeks (Wisconsin).

How Much Leave Am I Entitled To?

Federal Leave and Wisconsin Leave run concurrently.

Federal Leave

An eligible employee may have up to a total of 12 workweeks of unpaid leave for one or more of the following reasons:

1. Birth of child and to care for the newborn

2. Placement with the employee of a child for adoption or foster care and to care for the newly placed child.
(Leave for birth or adoption must be shared by spouses working for same employer)
3. To care for an immediate family member (spouse, child, or parent, but not a parent "in law") with a serious health condition
4. When the employee is unable to work because of a serious health condition.

Wisconsin Leave

An eligible employee may have up unpaid leave as specified below:

1. 6 weeks for birth or adoption
2. 2 weeks for serious health condition of parent, child, spouse, or parent in law.
3. 2 weeks for employee's own serious health condition.

FMLA only requires unpaid leave. However, the law permits an employee to elect, or the employer to require the employee, to use accrued paid leave, such as vacation or sick leave, for some or all of the FMLA leave period.

What is the Definition of a Serious Health Condition?

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; **or**
- a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; **or**
- any period of incapacity due to pregnancy, or for prenatal care; **or**
- any period of incapacity (or treatment therefore) due to chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.) **or**
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, stroke, terminal diseases, etc.) **or**
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

Note: Any period of incapacity that is the result of pregnancy or a chronic serious health condition, such as morning sickness or an asthma attack, qualifies for FMLA leave even if the employee does not receive treatment from a health care provider or the absence does not last more than three days.

Who is Considered a "Family Member"?

An employee's spouse, children (son or daughter) and parents are immediate family members for purposes of FMLA. The terms son or daughter does not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined.